(354)

UNITED NATIONS

CRC

Convention on the Rights of the Child

Distr.
GENERAL

CRC/C/SR.272
15 March 1996

ENGLISH
Original: FRENCH

COMMITTEE ON THE RIGHTS OF THE CHILD

Eleventh session

SUMMARY RECORD OF THE 272nd MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 16 January 1996, at 3 p.m.

Chairperson: Mr. HAMMARBERG

CONTENTS

CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

ICELAND

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.96-10254 (E)

The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Iceland (CRC/C.11/Add.6; CRC/C.11/WP.8)

1. At the invitation of the Chairperson, Mr. Gunnarsson, Ms. Thorarensen, Mr. Gudbrandsson, Ms. Pálsdóttir and Mr. Kjartansson (Iceland) took places at the Committee table.

2. The CHAIRPERSON invited the delegation to present the initial report of Iceland (CRC/C.11/Add.6). He said that the Icelandic Government had sent the Committee written replies to the questions contained in the list of issues (CRC/C.11/WP.8), which had been distributed during the meeting.

3. Mr. GUNNARSSON (Iceland), introducing the initial report of his country, said that child welfare was a priority for the Government. He welcomed the opportunity for his delegation to discuss issues pertaining to the rights of the child with members of the Committee, who were internationally recognized experts in the field, as Iceland did not pretend to have solved all the problems it faced.

4. It had become a commonplace to speak of the world as a global village, but one of the consequences of that state of affairs was that the line between domestic and international issues had become blurred. The rights of the child was one issue of common concern to the international community. The members of his delegation represented the four ministries that dealt more extensively than others with children's issues on a daily basis. They were at the disposal of the Committee to answer any questions.

5. Ms. THORARENSEN (Iceland), noting that the first periodic report of her country now under consideration had been finalized in the summer of 1994 and submitted to the Committee in November of that year, referred to the most recent general measures taken by the Government which directly concerned the implementation of the Convention on the Rights of the Child.

6. Firstly, the recently established office of the Children's Ombudsman (paras. 63 to 65 of the report) had carried out very promising work. She had organized her office and introduced it to children, parents and local authorities; she had drawn the attention of the national and local authorities to problems relating to the situation of children and had made recommendations on how to improve children's rights. She had also shown how important it was for the authorities to comply with the provisions and principles of the Convention.

7. A special institution, the Government Agency for Child Protection, had been created within the framework of amendments made in March 1995 to the Protection of Children and Young Persons Act. While the Ministry of Social Affairs was still the ultimate authority in the field of child protection, and responsible for policy-making, it was the Agency, as a centralized authority, which discharged most of the pertinent governmental duties. Its main tasks were to provide support to the Child Welfare Committees in the districts, offer them instructions and advice and supervise their work.

Another important function was to supervise and monitor institutions and treatment facilities for children and the placement of children and young persons in such institutions. Its role was also to support research and development work in the field of child protection.

8. An amendment to the human rights chapter of the Icelandic Constitution had come into force in June 1995. One of its main objectives was to reflect to a greater extent Iceland's obligations as a party to various international human rights instruments. A number of new rights had been added to the chapter, among them a special provision that the law would guarantee for children such protection and care as were necessary to their well-being, based on article 3 of the Convention (written reply No. 2).

9. Iceland had acceded to two important international conventions concerning children - the Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction, and the European Convention of 20 May 1989 on Recognition and Enforcement of Decisions Concerning Custody of Children - which would be ratified shortly.

10. The Government was fully aware that legislative measures were not sufficient to guarantee fully, in practice, the protection and care that child welfare demanded. One of the most important requirements for effective application of the Convention was that its contents should be made widely known. The Government had taken various measures to fulfil that obligation and was now preparing to give the Convention a permanent place in the primary school curricula. It was hoped that that would help to inculcate the principles of the Convention in the minds of the entire population of Iceland, children and adults alike.

11. The CHAIRPERSON thanked the delegation for the additional information it had provided. He invited the members of the Committee to focus their comments and questions on the sections of the list of issues (CRC/C.11/WP.8) entitled "General measures of implementation" and "Definition of the child". He noted that Iceland has already sent its written replies to those issues, which had been distributed in a document without a symbol.

12. Mr. KOLOSOV, referring to the first written reply in the document to which the Chairperson had just referred, according to which the Government had not formulated any reservations to the Convention, stressed the difference between a declaration in respect of an international instrument - which was by nature interpretative - and a reservation, which limited the obligations of the State party. In his opinion, the two declarations made by Iceland upon ratification of the Convention (CRC/C/2/Rev.4, p. 20) were in reality reservations. He asked whether the Government intended to reconsider its declaration concerning article 9, under which the administrative authorities were authorized to take final decisions in some cases covered by the article, and its declaration concerning article 37, according to which the separation of juvenile prisoners from adult prisoners was not obligatory under Icelandic law.

13. With regard to the rights of the child per se, under the new provisions of the Constitution, the law must guarantee "the protection and care" of children, terms which had been repeated by the Icelandic delegation. That was

what he would call the "passive rights" of children, traditionally recognized in a paternalistic world view, which attributed responsibility for the child's protection to his or her family or to society. The intention of the Convention was, however, also to ensure recognition of the "active rights" of children as individuals - the right to participate in cultural life, etc. The paternalistic attitude still seemed to prevail in Iceland.

14. He did wish to stress the positive aspects of the report, including measures to ensure that the Convention was more widely known and the establishment of a child protection agency. He asked what concrete results had been obtained by the Agency in the training of professionals working with or for children. He wondered whether the significant autonomy enjoyed by the local authorities in the administrative regions might not create disparities in the treatment of children from one region to another and whether budgetary funds risked being used in a manner not in keeping with the best interests of the child. It would be useful for the national non-governmental organizations (NGOs) to cooperate more directly with the Icelandic authorities in the implementation of the Convention.

15. The CHAIRPERSON requested the Committee members to comment on the issues just raised by Mr. Kolosov.

16. Mrs. KARP said that, even if an administrative decision to separate a child from his or her parents against their will could be appealed, the burden of taking such a decision to the courts lay with the weakest party. That did not seem very clear to her: who could bring the case before the courts? The child? The family? In addition, if the legal authorities could consider a case of the separation of a child only on appeal, several years might go by between the administrative decision and the judgement, with the result that the judgement served no practical purpose. She asked whether the initial decision to separate the child from his or her parents against their will would be taken by a court or by the administrative authorities.

17. The CHAIRPERSON said he agreed with Mr. Kolosov that the two declarations of Iceland should be further reviewed, even if they were not formal reservations.

18. Mrs. SARDENBERG asked whether the Government had decided to implement a specific policy on children. She also wondered what the relations were between the Ombudsman and the Government, whether a partnership existed between NGOs and the Government and whether the Government intended that NGOs should participate in implementing the Committee's recommendations.

19. Mr. GUNNARSSON (Iceland) said that his country's declarations on the Convention were clearly interpretative and that it was correct to call them that. The procedures referred to in the first declaration were carried out with increasing rapidity. As to the second declaration, on juvenile prisoners, the authorities always bore the best interests of the child in mind. None the less, it was not always good for a juvenile to be isolated from other prisoners. In any event, the conditions of detention of juveniles were being re-examined. In reply to Mr. Kolosov's remark that the report was paternalistic, that was because children in Iceland enjoyed a great deal more

autonomy and freedom than in other countries and were more often exposed to "chance mishaps", which was why greater vigilance should be exercised. In any event, there were only one or two cases of juvenile delinquency a year in Iceland.

20. Ms. THORARENSEN (Iceland) said he agreed with Mr. Gunnarsson that the term "declarations" was justified, given their interpretative nature. The first declaration respected the spirit of article 9, paragraph 1, of the Convention. The decisions of the administrative authorities were subject to judicial review. None the less, it was essential that a more harmonious legal system should be set up in that area, under the supervision of the Government Agency for Child Protection. In 1992, the legal system had been substantially amended by law and, since then, the courts of first instance and the Supreme Court had been rendering their decisions more quickly.

21. THE CHAIRPERSON asked whether it was up to the parents to apply to the courts in order to appeal an administrative decision regarding their child.

22. Ms. THORARENSEN (Iceland) said that it was up to the parents to initiate that procedure and that that was the general rule. If necessary, they could request legal assistance to do so.

23. Mrs. KARP asked whether the decision of the court was then enforced immediately and whether the child was withdrawn right away from the institution, even if the court's decision was being appealed.

24. Ms. THORARENSEN (Iceland) replied that, if no appeal had been lodged, there was no delay in implementing the decision; it was therefore up to the parents to pick their child up. Cases of juvenile delinquency were extremely rare. When delinquents were imprisoned, they were never in contact with adults who had been found guilty of serious crimes. In any case, the Government felt that it was in the best interests of the child to separate them from adult prisoners, in accordance with the spirit of article 37 (c) of the Convention. A new prison for children had been created. The Government would consider withdrawing the two declarations that had just been commented on.

25. The CHAIRPERSON said that, in some countries, prisons were real schools of crime and even worse, juvenile prisoners could be subjected to sexual maltreatment by adult prisoners.

26. Ms. THORARENSEN (Iceland), replying to Mr. Kolosov's question on the training of professionals working with and for children, referred the Committee to the Government's reply to question 4. The Government Agency for Child Protection was now in charge of such training. Even though judges and teachers did not receive specific training in that area, the Convention was still widely disseminated among them.

27. Mr. KJARTANSSON (Iceland) said that the Ministry of Education was currently preparing training programmes for teachers and reorganizing a number of school curricula, as stated in the report. The new curricula would include human rights education and the Convention would figure prominently in them.

Teacher training institutions had much freedom of action, but Government guidelines on school curricula influenced their decisions. The Human Rights Commission of Iceland and Save the Children took part in disseminating information on human rights and the Convention. The Ministry of Eduction and teachers did everything possible to make children aware of their rights.

28. Miss MASON, referring to paragraph 69 of the report, which cited a study by the Reykjavik Department of Education entitled "An international survey of children's rights at home and at school", requested additional information on the study's findings.

29. Ms. THORARENSEN (Iceland) said that the findings would be published in Iceland's next report. Regarding the preparation of her country's initial report, she referred the members of the Committee to the Government's reply to question 7, noting that it had been prepared under the auspices of the Ministry of Justice. It had been drafted according to the Committee's guidelines and NGOs had been able to express their opinions. In future, the Government would ask them to cooperate more closely in the preparation of the report.

30. The CHAIRPERSON said that it was, of course, the Government which was responsible for preparing reports, but they should not be prepared without NGOs being consulted.

31. Ms. THORARENSEN (Iceland) said that the Ombudsman was a jurist who was assisted in her tasks by a sociologist and other academics. She had been appointed by the President of the Republic in early 1995, on the proposal of the Prime Minister. She was independent and had to submit an annual report on her work to the Government. She had her own budget and did not depend on the authorities.

32. Mr. GUDBRANDSSON (Iceland), referring to the autonomy of the local authorities, said that there were approximately 160 municipalities in Iceland and that half of them had at least 200 inhabitants. Many municipalities had experienced difficulties in setting up a national social security system. Prior to 1993, there had been 160 child welfare committees in Iceland, not all of which had benefited from the assistance of professionals working on children's affairs. It was difficult for the Government to delegate many responsibilities to those local authorities, particularly in the field of child protection. The 1993 Act provided that the smallest local authorities must cooperate with the child welfare committees, of which there were now only 80. Much remained to be done, given the importance of education and the need to continue the work of those committees in the communities.

33. Turning to the training of law enforcement officials and social workers, he said that, since fall 1995, students in the police academy had to take a compulsory 10-hour course on the child protection system in Iceland. Social workers held university degrees and had taken courses on child protection and related legislation. They also had to obtain a licence issued by the Ministry of Health in order to practise.

34. Concerning family policy, the national committee created in 1994 within the framework of the International Year of the Family had made recommendations, which were to be considered by Parliament in early February 1996.

35. Mrs. KARP asked whether the provisions of the Convention were taught at university.

36. Mr. GUDBRANDSSON (Iceland) said that the creation of a special course on the Convention was under consideration.

37. Mrs. SARDENBERG asked whether the Government Agency for Child Protection was also in charge of formulating a global policy for children.

38. Mr. GUDBRANDSSON (Iceland) said that such a policy did not come under the competence of one body alone, but of all the ministries concerned and of society in general.

39. Mrs. SARDENBERG, supported by Mrs. BADRAN, said that it was important to have a mechanism to coordinate all the activities and to prepare a global policy for children.

40. Miss MASON asked whether there were plans to make other amendments to the Constitution or to legislate on the principle of the best interests of the child and on his rights.

41. Ms. THORARENSEN (Iceland) said that since 1995, the Constitution specifically mentioned the child, in that it stipulated that the law guaranteed the child such protection and care as might be necessary to his or her well-being. That was an important political statement, one that perhaps responded to the criticisms which had been formulated, for example, by NGOs which felt that there were not enough child protection measures. That point of view was undoubtedly explained by the fact that children had more freedom in Iceland than in other countries. None the less, there were no plans to make new amendments to the Constitution in the near future.

42. Mrs. SARDENBERG said that, in referring to the Convention, it was not a matter of considering the child simply as a subject whose material needs must be met, but as an active subject of law, something that was completely different.

43. The CHAIRPERSON, summing up the discussion, welcomed the introduction of a reference to the rights of the child in the Constitution; Iceland's ratification of a number of important international instruments, such as the Hague Convention on the Civil Aspects of International Child Abduction; the appointment of an ombudsman on children's affairs; the delegation's statement on enhanced cooperation with NGOs; and the establishment of a State body for child protection. However, the authorities should consider global and systematic training of persons working with or for children and ensure the proper coordination between the various authorities dealing with children's issues. As to international cooperation, Iceland, which had one of the

top 10 per capita incomes worldwide, should consider helping other countries in a spirit of solidarity, either directly or through international organizations, to implement the provisions of the Convention.

44. The meeting was suspended at 4.45 p.m. and resumed at 4.55 p.m.

45. Mr. GUNNARSSON (Iceland) said that the delegation would transmit the Committee's observations to the Ombudsman and assured the Committee that its recommendations on training in the area of the rights of the child would receive due consideration. Satisfactory coordination already existed between the ministries that developed policies, the public bodies that implemented them, and Parliament. As to international cooperation, Iceland was making a contribution in certain areas, such as fishing, but recognized that it could do more.

46. The CHAIRPERSON proposed that the Committee and the delegation should consider the section of the list of issues (CRC/C.11/WP.8) entitled "General principles".

47. Mrs. BADRAN asked whether the draft law aimed at combating racial discrimination more effectively had been adopted and what its major provisions were. Had the Committee appointed to formulate an overall policy on immigrants progressed in its work and what were the main aspects of that policy? Noting that increases in the numbers of immigrants were generally accompanied by xenophobia in the host country, she asked whether the authorities intended to take measures other than legislative action to change attitudes towards foreigners by, for example, appealing to the media and whether they planned to combat racial discrimination in the schools. In secondary schools, girls tended to choose certain subjects and boys other, more scientific or technical subjects; were those choices based on the idea that girls were not talented in those fields and were guidance counsellors attempting to change those attitudes? She also wondered whether the gender wage gap had a negative impact on children raised by single mothers. How were the authorities actually looking after child welfare? Given that, in many families, the father and mother both worked about 10 hours a day, she wondered how the best interests of the child, which included being with his or her parents, were ensured. Did illegitimate children have the same rights and privileges as those born in wedlock? Concerning the right to life, had the Accident Prevention Council been established and had measures been taken to combat the causes of accidents? What were the reasons for suicide? Was it possible for the Icelandic child to express his opinion within the family and at school and was that opinion taken into account?

48. Mr. KOLOSOV said he thought that the Convention had not been incorporated into domestic law and could not be directly applied by the courts. Turning to paragraphs 94 and 95 of the report, he noted that article 11 of the Administrative Procedure Act did not list all the grounds for discrimination mentioned in article 2 of the Convention, particularly the origins of the child's parents or legal guardians and his property status. What would happen if a child filed charges of discrimination on one of these grounds? The legislation should be amended to reflect all the provisions of article 2 of the Convention.

49. The CHAIRPERSON proposed that the Icelandic delegation should reply to Mr. Kolosov's question and those of Mrs. Badran relating to article 2 of the Convention.

50. Mr. GUNNARSSON (Iceland) said that the notions of ancestry and social standing contained in article 11 of the Administrative Procedure Act referred respectively to the origins of the child's parents or legal guardians and to his property status. In his opinion, it was impossible to draw up an exhaustive list of all the grounds for discrimination, but he could not imagine a case of discrimination arising because something was missing from the list in that article.

51. Ms. THORARENSEN (Iceland) said that some of the provisions of the Constitution had recently been amended in order to guarantee equality before the law independently of a number of criteria, the list of which was not exhaustive. However, it was clear from the summaries of debates in Parliament that the list was in fact a set of examples and was therefore not restrictive. The new constitutional provisions meant that any discrimination not based on objective reasons was totally prohibited. Furthermore, while it was true that the international instruments ratified by Iceland could not be applied directly by the courts, the courts could none the less make use of those instruments in interpreting domestic legislation.

52. Concerning action to combat racial discrimination, at the initiative of the Ministry of Education, a committee had recently been established to formulate an overall policy on immigration. It was in charge of gathering information from institutions directly involved in immigration and was to submit a report, probably in the spring of 1996, with recommendations on the matter. It was true that Iceland had not yet come up with an overall policy for preventing racial discrimination, as that problem had not hitherto been very serious. It was likely that, as elsewhere, immigrants or foreigners were to some extent the victims of latent discrimination. It was equally likely that the problem was being under-estimated because the relevant provisions of the Penal Code were too vague, thereby preventing effective protection of the individual against racial discrimination. The authorities hoped that the provisions soon to be added to the Penal Code would enable the problem to be addressed more directly.

53. Mr. GUNNARSSON (Iceland) said that, until quite recently, Iceland had had a very low number of immigrants, and that accounted for the lack of discrimination. The number of immigrants was rising and it was likely that there would be problems of latent discrimination. In any event, the authorities were taking certain steps. Teachers were obliged to teach children respect for other religions. In practice, that aspect had been considerably strengthened and it was now respect for other ways of thinking, other nationalities and other religions that was taught. Whether or not a child was legitimate did not have much meaning in Iceland and no one considered it an important part of anyone's identity.

54. Mrs. KARP asked whether the draft law on racial discrimination would also prohibit discrimination in the job market and in the private sector.

55. Ms. THORARENSEN (Iceland) said it was difficult at the present stage to know exactly what the draft law would contain.

56. Mr. GUDBRANDSSON (Iceland) said that the difficulty in reconciling professional and family life had been the subject of a number of discussions within Icelandic society. It was one of the greatest problems of modern society. The Government did indeed have progress to make in that regard and should increase day-care services or assistance to families with children. The Ministry of Social Affairs had recently published the findings of a study on children's standards of living. They seemed to suggest that family make-up influenced the economic and social status of children. The implications of that research were currently being studied by officials in the Ministry of Social Affairs, who would then recommend what measures could be taken. As to gender discrimination, the situation of women had improved considerably over several years, owing in particular to the Women's Party. Parliament had adopted a programme aimed at improving the position of women in Icelandic society with which all ministries were complying, within the framework of their work. Women were also in the majority at university.

57. Mrs. BADRAN welcomed that development, but assumed that a number of specialities were still dominated by men.

58. Mr. GUNNARSSON (Iceland) said that a large number of professions previously dominated by men, particularly law and medicine, were now dominated by women, even though men did still predominate in some careers, such as engineering.

59. Ms. PALSDOTTIR (Iceland) said that the Government was very concerned by the growing number of accidents affecting children. However, there had recently been a decline in the number of accidental deaths and non-fatal accidents. Even if the number of accidents was quite high, only 10 per cent of them were serious. Among the efforts undertaken by the Government to resolve the problem was the creation of the Accident Prevention Council, which had begun its work on 1 January 1995. Its main objective was to collect information on all the accidents taking place in the country so as to have an overview of the situation. The Government was also trying to raise the awareness of Icelandic society, which had always considered that children should become independent as early as possible.

60. With regard to suicides, 10 suicides among young people aged between 14 to 17 had been recorded between 1986 and 1990, and 5 between 1990 and 1993. The number of suicides among youth seemed to be rising, but it was difficult to determine whether that increase was due to chance or whether it reflected an actual trend. Some suicides were probably also linked to drug addiction.

61. Mrs. KARP asked whether medical insurance also covered accidents. Was there a correlation between the suicide rates among adults and among children? It would be interesting to know whether there was any basis in fact for the theory that the long periods of darkness in Iceland led to depression and therefore, perhaps, to suicide.

62. Ms. PALSDOTTIR (Iceland) said that medical insurance covered all children under 18 for all health problems, whatever the cause. In addition, health care was free in all public hospitals. There had actually been an increase in the number of sports-related accidents among girls and young women aged 10 to 24. That was because more women were participating in sports. More or less the same observations could be made about suicide among adults as among children. Most of them took place in April, when the days were beginning to grow longer. It was therefore difficult to attribute the suicide rate to the long periods of darkness in Iceland.

63. Mr. GUDBRANDSSON (Iceland) said that there were a number of theories on suicide and he did not know of a reasonable explanation. The public was generally very much in favour of children expressing their opinions and they were encouraged to do so within the family and at school. Whether children were really listened to when they did express their opinions, however, was another matter.

The meeting rose at 6 p.m.